

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing  
5 Section 12-2 as follows:

6 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)  
7 Sec. 12-2. Aggravated assault.

8 (a) A person commits an aggravated assault, when, in  
9 committing an assault, he:

10 (1) Uses a deadly weapon or any device manufactured and  
11 designed to be substantially similar in appearance to a  
12 firearm, other than by discharging a firearm in the  
13 direction of another person, a peace officer, a person  
14 summoned or directed by a peace officer, a correctional  
15 officer or a fireman or in the direction of a vehicle  
16 occupied by another person, a peace officer, a person  
17 summoned or directed by a peace officer, a correctional  
18 officer or a fireman while the officer or fireman is  
19 engaged in the execution of any of his official duties, or  
20 to prevent the officer or fireman from performing his  
21 official duties, or in retaliation for the officer or  
22 fireman performing his official duties;

23 (2) Is hooded, robed or masked in such manner as to

1 conceal his identity or any device manufactured and  
2 designed to be substantially similar in appearance to a  
3 firearm;

4 (3) Knows the individual assaulted to be a teacher or  
5 other person employed in any school and such teacher or  
6 other employee is upon the grounds of a school or grounds  
7 adjacent thereto, or is in any part of a building used for  
8 school purposes;

9 (4) Knows the individual assaulted to be a supervisor,  
10 director, instructor or other person employed in any park  
11 district and such supervisor, director, instructor or  
12 other employee is upon the grounds of the park or grounds  
13 adjacent thereto, or is in any part of a building used for  
14 park purposes;

15 (5) Knows the individual assaulted to be a caseworker,  
16 investigator, or other person employed by the Department of  
17 Healthcare and Family Services (formerly State Department  
18 of Public Aid), a County Department of Public Aid, or the  
19 Department of Human Services (acting as successor to the  
20 Illinois Department of Public Aid under the Department of  
21 Human Services Act) and such caseworker, investigator, or  
22 other person is upon the grounds of a public aid office or  
23 grounds adjacent thereto, or is in any part of a building  
24 used for public aid purposes, or upon the grounds of a home  
25 of a public aid applicant, recipient or any other person  
26 being interviewed or investigated in the employees'

1 discharge of his duties, or on grounds adjacent thereto, or  
2 is in any part of a building in which the applicant,  
3 recipient, or other such person resides or is located;

4 (6) Knows the individual assaulted to be a peace  
5 officer, or a community policing volunteer, or a fireman  
6 while the officer or fireman is engaged in the execution of  
7 any of his official duties, or to prevent the officer,  
8 community policing volunteer, or fireman from performing  
9 his official duties, or in retaliation for the officer,  
10 community policing volunteer, or fireman performing his  
11 official duties, and the assault is committed other than by  
12 the discharge of a firearm in the direction of the officer  
13 or fireman or in the direction of a vehicle occupied by the  
14 officer or fireman;

15 (7) Knows the individual assaulted to be an emergency  
16 medical technician - ambulance, emergency medical  
17 technician - intermediate, emergency medical technician -  
18 paramedic, ambulance driver or other medical assistance or  
19 first aid personnel engaged in the execution of any of his  
20 official duties, or to prevent the emergency medical  
21 technician - ambulance, emergency medical technician -  
22 intermediate, emergency medical technician - paramedic,  
23 ambulance driver, or other medical assistance or first aid  
24 personnel from performing his official duties, or in  
25 retaliation for the emergency medical technician -  
26 ambulance, emergency medical technician - intermediate,

1 emergency medical technician - paramedic, ambulance  
2 driver, or other medical assistance or first aid personnel  
3 performing his official duties;

4 (8) Knows the individual assaulted to be the driver,  
5 operator, employee or passenger of any transportation  
6 facility or system engaged in the business of  
7 transportation of the public for hire and the individual  
8 assaulted is then performing in such capacity or then using  
9 such public transportation as a passenger or using any area  
10 of any description designated by the transportation  
11 facility or system as a vehicle boarding, departure, or  
12 transfer location;

13 (9) Or the individual assaulted is on or about a public  
14 way, public property, or public place of accommodation or  
15 amusement;

16 (9.5) Is, or the individual assaulted is, in or about a  
17 publicly or privately owned sports or entertainment arena,  
18 stadium, community or convention hall, special event  
19 center, amusement facility, or a special event center in a  
20 public park during any 24-hour period when a professional  
21 sporting event, National Collegiate Athletic Association  
22 (NCAA)-sanctioned sporting event, United States Olympic  
23 Committee-sanctioned sporting event, or International  
24 Olympic Committee-sanctioned sporting event is taking  
25 place in this venue;

26 (10) Knows the individual assaulted to be an employee

1 of the State of Illinois, a municipal corporation therein  
2 or a political subdivision thereof, engaged in the  
3 performance of his authorized duties as such employee;

4 (11) Knowingly and without legal justification,  
5 commits an assault on a physically handicapped person;

6 (12) Knowingly and without legal justification,  
7 commits an assault on a person 60 years of age or older;

8 (13) Discharges a firearm, other than from a motor  
9 vehicle;

10 (13.5) Discharges a firearm from a motor vehicle;

11 (14) Knows the individual assaulted to be a  
12 correctional officer, while the officer is engaged in the  
13 execution of any of his or her official duties, or to  
14 prevent the officer from performing his or her official  
15 duties, or in retaliation for the officer performing his or  
16 her official duties;

17 (15) Knows the individual assaulted to be a  
18 correctional employee or an employee of the Department of  
19 Human Services supervising or controlling sexually  
20 dangerous persons or sexually violent persons, while the  
21 employee is engaged in the execution of any of his or her  
22 official duties, or to prevent the employee from performing  
23 his or her official duties, or in retaliation for the  
24 employee performing his or her official duties, and the  
25 assault is committed other than by the discharge of a  
26 firearm in the direction of the employee or in the

1 direction of a vehicle occupied by the employee;

2 (16) Knows the individual assaulted to be an employee  
3 of a police or sheriff's department engaged in the  
4 performance of his or her official duties as such employee;  
5 ~~or~~

6 (17) Knows the individual assaulted to be a sports  
7 official or coach at any level of competition and the act  
8 causing the assault to the sports official or coach  
9 occurred within an athletic facility or an indoor or  
10 outdoor playing field or within the immediate vicinity of  
11 the athletic facility or an indoor or outdoor playing field  
12 at which the sports official or coach was an active  
13 participant in the athletic contest held at the athletic  
14 facility. For the purposes of this paragraph (17), "sports  
15 official" means a person at an athletic contest who  
16 enforces the rules of the contest, such as an umpire or  
17 referee; and "coach" means a person recognized as a coach  
18 by the sanctioning authority that conducted the athletic  
19 contest; or.

20 (18) Knows the individual assaulted to be an emergency  
21 management worker, while the emergency management worker  
22 is engaged in the execution of any of his or her official  
23 duties, or to prevent the emergency management worker from  
24 performing his or her official duties, or in retaliation  
25 for the emergency management worker performing his or her  
26 official duties, and the assault is committed other than by

1 the discharge of a firearm in the direction of the  
2 emergency management worker or in the direction of a  
3 vehicle occupied by the emergency management worker.

4 (a-5) A person commits an aggravated assault when he or she  
5 knowingly and without lawful justification shines or flashes a  
6 laser gunsight or other laser device that is attached or  
7 affixed to a firearm, or used in concert with a firearm, so  
8 that the laser beam strikes near or in the immediate vicinity  
9 of any person.

10 (b) Sentence.

11 Aggravated assault as defined in paragraphs (1) through (5)  
12 and (8) through (12) and (17) of subsection (a) of this Section  
13 is a Class A misdemeanor. Aggravated assault as defined in  
14 paragraphs (13), (14), and (15) of subsection (a) of this  
15 Section and as defined in subsection (a-5) of this Section is a  
16 Class 4 felony. Aggravated assault as defined in paragraphs  
17 (6), (7), (16), and (18) of subsection (a) of this Section is a  
18 Class A misdemeanor if a firearm is not used in the commission  
19 of the assault. Aggravated assault as defined in paragraphs  
20 (6), (7), (16), and (18) of subsection (a) of this Section is a  
21 Class 4 felony if a firearm is used in the commission of the  
22 assault. Aggravated assault as defined in paragraph (13.5) of  
23 subsection (a) is a Class 3 felony.

24 (Source: P.A. 93-692, eff. 1-1-05; 94-243, eff. 1-1-06; 94-482,  
25 eff. 1-1-06; revised 12-15-05.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.